

NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number 04645.0562



In re Application of Takeuchi

Application Number 09/176,374

Filed 10/21/1998

For Wound Element Electrode Assembly Design For Use in
Prismatic Case Electrochemical Cells

Group Art Unit 1745

Examiner T. Dove

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner dated October 30, 2000, rejecting the following claims: 1-19

The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$ 310

- Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ _____
- A check in the amount of the fee is enclosed.
- Payment by credit card. Form PTO-2038 is attached.
- The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.
- The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 08-2442. I have enclosed a duplicate copy of this sheet.
- A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

- applicant.
 assignee of record of the entire interest.
 attorney or agent of record.
 attorney or agent acting under 37 CFR 1.34(a).
 Registration number if acting under 37 CFR 1.34(a). _____.

Signature

John M. Del Vecchio

Typed or printed name

January 26, 2001

Date

01/30/2001 JADD01 00000078 09176374

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310.00 00

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Date January 26, 2001
Janice Capuani

(Type or print name of person mailing paper)

(Signature of person mailing paper)

FEE TRANSMITTAL for FY 2000

Patent Fees are subject to annual revision.

						Application Number	09/176,374
						Filing Date	October 21, 1998
						First Named Inventor	Takeuchi
						Examiner Name	T. Dove
						Group/Art Unit	1745
TOTAL AMOUNT OF PAYMENT		(\$310)		Attorney Docket Number		04645.0562	
1. ■ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:			3. ADDITIONAL FEES				
Deposit Account Number: <u>08-2442</u> Deposit Account Name: Hodgson Russ LLP			Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
<input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17			105	130	205	65	Surcharge - late filing fee or oath
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.			127	50	227	25	Surcharge - late provisional filing fee or cover sheet
2. ■ Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other			139	130	139	130	Non-English specification
FEE CALCULATION			147	2,520	147	2,520	For filing a request for reexamination
1. FILING FEE Large Entity Small Entity			112	920*	112	920*	Requesting Publication of SIR prior to Examiner Action
Fee Code (\$) Fee Code (\$) Fee Description Fee Paid			113	1,840*	113	1,840*	Requesting Publication of SIR after Examiner Action
101 710 201 355 Utility filing fee			\$	115	110	215	55 Extension for reply within first month
106 320 206 160 Design filing fee			\$	116	390	216	195 Extension for reply within second month
107 490 207 245 Plant filing fee			\$	117	890	217	445 Extension for reply within third month
108 710 208 355 Reissue filing fee			\$	118	1,390	218	695 Extension for reply within fourth month
114 150 214 75 Provisional filing fee			\$	128	1,890	228	945 Extension for reply within fifth month
SUBTOTAL (1)			\$	119	310	219	155 Notice of Appeal
							\$310
2. EXTRA CLAIM FEES Extra Fee from Claims below			Fee Paid	120	310	220	155 Filing a brief in support of an appeal
Total Claims / / -20** = / / x / / =			\$	121	270	221	135 Request for oral hearing
Independent Claims / / - 3** = / / x / / =			\$	138	1,510	138	1,510 Petition to institute a public use proceeding
Multiple dependent / / x / / =			\$	140	110	240	55 Petition to revive - unavoidable
Large Entity Small Entity				141	1,240	241	620 Petition to revive - unintentional
Fee Code (\$) Fee Code (\$) Fee Description				142	1,240	242	620 10 advance copies Utility issue fee (or reissue)
103 18 203 9 Claims in excess of 20				143	440	243	220 Design issue fee
102 80 202 40 Independent claims in excess of 3				144	600	244	300 Plant issue fee
104 270 204 135 Multiple dependent claim if not paid				122	130	122	130 Petitions to the Commissioner
109 80 209 40 **Reissue independent claims over original patent				123	50	123	50 Petitions related to provisional applications
110 18 210 9 **Reissue claims in excess of 20 and over original patent				126	240	126	240 Submission of Information Disclosure Statement
SUBTOTAL (2)			\$	581	40	581	40 Recording each patent assignment per property (times number of properties)
SIGNATURE: <u>John M. Del Vecchio</u>				146	710	246	355 Filing a submission after final rejection(37 CFR 1.129(a))
John M. Del Vecchio, Reg. No. 42,475				149	710	249	355 For each additional invention to be examined (37 CFR 1.129(b))
DATE: January 26, 2001 Telephone: (716) 848-1644		<small>*Reduced by basic filing fee paid</small>				SUBTOTAL (3)	\$310

I hereby Certify that this Correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on January 26, 2001.

Janice Capuani
Name

Janice Capuani
Signature

January 26, 2001
Date of Signature